

REMARKS

Entry of the foregoing, reexamination and reconsideration of the subject application, pursuant to and consistent with 37 C.F.R. § 1.114, are respectfully requested in light of the remarks which follow.

In the Advisory Action, the Examiner has indicated that the Amendment and Reply filed March 5, 2008 has been considered, and that the proposed amendments have been entered. However, the Examiner has also stated that the Amendment and Reply does not place the application in condition for allowance.

Specifically, the Examiner has stated that the response has overcome the prior indefiniteness rejections under 35 U.S.C. § 112, second paragraph. However, the objection to claim 5, and the 35 U.S.C. §§ 102 and 103 rejections of the claims over Huang et al. (and secondary references), have been maintained.

With regard to Huang et al., it is the Examiner's position that because the specification "does not define or teach a specific percent identity required in a complement . . . a single nucleotide is sufficiently complementary." Thus, according to the Examiner, the claims as amended (*i.e.* by deleting recitation of "functional fragments") are still unpatentable over the cited art (*see* the "Attachment to the Advisory," attached to the Advisory Action).

In addition, the Examiner has indicated that the claim amendments do not comply with U.S. Patent and Trademark rules, because the withdrawn claims are not properly identified (*see* the Notice of Non-Compliant Amendment, also attached to the Advisory Action).

In response to the Examiner's position with regard to the rejections under 35 U.S.C. § 102 and 103, Applicants respectfully submit that the cited references do not teach or suggest sequences complementary to SEQ ID NO: 76 and 77.

In particular, a person of ordinary skill in the art would readily recognize that a "complementary sequence" is, by definition, a nucleic acid base sequence that can form a double-stranded structure with a first sequence (the sequence to which the "complementary sequence" is the complement) by matching base pairs. Furthermore, each and every nucleotide in a "complementary sequence," unless otherwise defined, is complementary to the corresponding nucleotide of such first sequence. For example, the complementary sequence to the DNA sequence AGTCATG must be TCAGTAC, and *visa versa*. In addition, defining the "percent identity" is not relevant in the context of the present claims, because a "complementary sequence" does not necessarily include any sequence identity to the strand to which it is the complement.

Concerning the objection to claim 5, Applicants once again request that the objection be held in abeyance until allowable subject matter is determined.

Finally, claims 6, 11, 12, 15, and 19-22 have been amended herein by correcting the claim identifiers to indicate that these claims are withdrawn from consideration.

In view of the above, Applicants respectfully request reconsideration and withdrawal of all of the claim rejections still remaining in the application.

CONCLUSION


In view of the foregoing, further and favorable action in the form of a Notice of Allowance is believed to be next in order. Such action is earnestly solicited.

In the event that there are any questions relating to this Amendment and Reply, or the application in general, it would be appreciated if the Examiner would telephone the undersigned attorney concerning such questions so that prosecution of this application may be expedited.

Respectfully submitted,

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